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Attorney Docket No. 5649-1141

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jae-Duk Lee et al.  
Serial No.: 10/726,768  
Filed: December 3, 2003  
For: MEMORY CELLS WITH NONUNIFORM FLOATING GATE STRUCTURES  
AND METHODS OF FORMING THE SAME

Date: August 2, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of December 3, 2003 rather than December 4, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of December 3, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

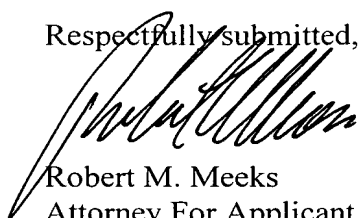
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail date on Page 2;
2. A true and accurate copy of the Express Mail Receipt showing acceptance by the U.S. Postal Service on December 3, 2003, along with a copy of a communication from United States Postal Service indicating **receipt** of the Express Mail package by the U.S. Patent and Trademark Office Mail package on December 4, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of December 4, 2003 instead of the Express Mail date of December 3, 2003.

This petition is being filed after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of December 3, 2003, as the filing date pursuant to 37 CFR § 1.10.

In re: Jae-Duk Lee et al.  
Serial No.: 10/726,768  
Filed: December 3, 2003  
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

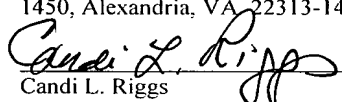


Robert M. Meeks  
Attorney For Applicant  
Registration No. 40,723

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 2, 2004.



Candi L. Riggs



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5649-1141

DATE: December 3, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☐ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

**Jae-Duk Lee – Gyeonggi-do, Republic of Korea**  
**Dong-Gun Park – Gyeonggi-do, Republic of Korea**  
**Jeong-Hyuk Choi – Gyeonggi-do, Republic of Korea**

Entitled: **MEMORY CELLS WITH NONUNIFORM FLOATING GATE STRUCTURES AND METHODS OF FORMING SAME**

<sup>716</sup>  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 18 pages of Specification (including 14 claims)
3. ☒ 13 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

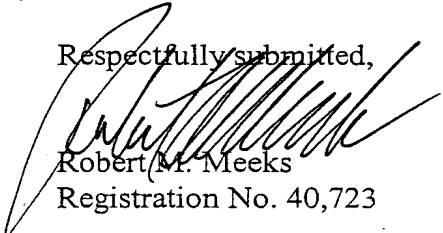
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☒ Certified Copy of Korean Application No. 10-2002-0076956; Filed December 5, 2002
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	14 - 20 =	0	x 09 = \$	x 18 = \$ 0
INDEP CLAIMS	2 - 3 =	0	x 43 = \$	x 86 = \$0
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$770.00

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ \_\_\_\_\_
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

  
Robert M. Meeks  
Registration No. 40,723

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318416554 US

Date of Deposit: December 3, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Audra Wooten



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Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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FROM: (PLEASE PRINT) MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH NC 27627-7428 5649-1141 RMM:clr			TO: (PLEASE PRINT) Mail Stop Patent Application Commissioner for Patents P.O. P.O. Box 1450 Alexandria, VA 22313-1450		

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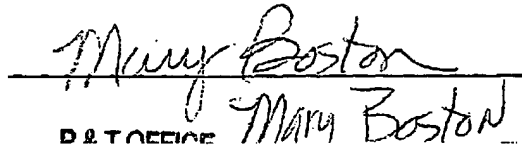
**UNITED STATES  
POSTAL SERVICE™**

Date: 07/21/2004

Fax Transmission To: CANDI RIGGS  
Fax Number: 919-854-1401

Dear CANDI RIGGS:

The following is in response to your 07/21/2004 request for delivery information on your Express Mail item number EV318416554US. The delivery record shows that this item was delivered on 12/04/2003 at 09:53 AM in ALEXANDRIA, VA 22313 to M BOSTON. The scanned image of the recipient information is provided below.

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Sincerely,

United States Postal Service

Mail Stop Patent Application

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Room: dr

Date: 11-3-03  
Doc. No. 51-1141  
Serial No. To be Assigned  
Inventor: De-Duk Lee et al

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:

☒ Specification pages 18

☒ No. of Claims 14

☐ Declaration & POA

☐ Assignment and Fee

☐ Small Entity Statement

☒ Formal Drawings 13 sheets

☐ Associate Power of Attorney

☒ Exp. Mail ☐ 1st Class Mail

Other: \_\_\_\_\_

☒ Check \$ 770.00

☐ IDS & PTO-1449 & \_\_\_\_\_ refs.

☐ Amendment & Amend. Transmittal

☐ Preliminary Amendment

☐ Issue Fee

☐ Brief

☐ Appeal

☒ Submittal of Priority Doc.

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

Mail Stop Patent Application

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Room: dr

Date: 12-3-03  
Doc. No. 5649-1141  
Serial No. To be Assigned  
Inventor: De-Duk Lee et al

Sir: Kindly acknowledge receipt of the accompanying items listed below  
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Other: \_\_\_\_\_

☒ Check \$ 770.00

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☐ Amendment & Amend. Transmittal

☐ Preliminary Amendment

☐ Issue Fee

☐ Brief

☐ Appeal

☒ Submittal of Priority Doc.

22154 U.S. PTO  
10/726768

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant



120403

*[Handwritten signature]*



Rmn

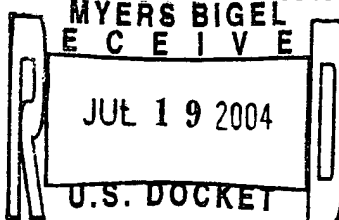


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/726,768	12/04/2003	2818	770	5649-1141	13	14	2

Robert M. Meeks  
 Myers Bigel Sibley & Sajovec  
 Post Office Box 37428  
 Raleigh, NC 27627



CONFIRMATION NO. 4193

FILING RECEIPT



\*OC000000013248683\*

Date Mailed: 07/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

Jae-Duk Lee, Gyeonggi-do, KOREA, REPUBLIC OF;  
 Dong-gun Park, Gyeonggi-do, KOREA, REPUBLIC OF;  
 Jeong-Hyuk Choi, Gyeonggi-do, KOREA, REPUBLIC OF;

**Domestic Priority data as claimed by applicant****Foreign Applications**

REPUBLIC OF KOREA 2002-76956 12/05/2002

If Required, Foreign Filing License Granted: 03/04/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

07-18-04 A09:51 IN

**Title**

Memory cells with nonuniform floating gate structures and methods of forming the same

**Preliminary Class**

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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